

Message

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**From:** Matsumoto, Kimi [Matsumoto.Kimi@epa.gov]  
**Sent:** 8/10/2020 8:09:47 PM  
**To:** Darling, Corbin [Darling.Corbin@epa.gov]  
**Subject:** RE: Follow-Up on Yesterday's GHG/ NEPA Meeting for Dewey Burdock

Sure, you're welcome!  
Are you done with either of the EJ documents?

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**From:** Darling, Corbin <Darling.Corbin@epa.gov>  
**Sent:** Monday, August 10, 2020 12:19 PM  
**To:** Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>  
**Subject:** RE: Follow-Up on Yesterday's GHG/ NEPA Meeting for Dewey Burdock

Thanks!

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**From:** Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>  
**Sent:** Monday, August 10, 2020 11:42 AM  
**To:** Darling, Corbin <Darling.Corbin@epa.gov>  
**Subject:** FW: Follow-Up on Yesterday's GHG/ NEPA Meeting for Dewey Burdock

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**From:** Denawa, Mai <Denawa.Mai@epa.gov>  
**Sent:** Monday, August 10, 2020 10:47 AM  
**To:** Saale, Melissa <Saale.Melissa@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>; Strobel, Philip <Strobel.Philip@epa.gov>; McCoy, Melissa <mccoy.melissa@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Farris, Laura <Farris.Laura@epa.gov>  
**Subject:** RE: Follow-Up on Yesterday's GHG/ NEPA Meeting for Dewey Burdock

Hello all: FYI-A third suit has been filed regarding the new NEPA regs. This one was filed by a coalition of EJ groups:

The groups ask the court to find the rule to be arbitrary and capricious in violation of the Administrative Procedure Act, that it exceeds CEQ's statutory authority and that it was unlawfully promulgated, and to vacate it.

## Environmentalists file third suit over CEQ NEPA rule

August 7, 2020

A coalition of environmental justice (EJ) groups is challenging the White House Council on Environmental Quality's (CEQ) final rule to streamline how agencies implement the National Environmental Policy Act (NEPA), the third such suit to be filed in federal district court since CEQ completed the rule last month.

The new suit, *Environmental Justice Health Alliance, et al. v. CEQ, et al.*, in U.S. District Court for the Southern District of New York, specifically focuses on the effect the first substantial revision to the implementing rules since 1978 will have on EJ communities.

"Many of the most overburdened communities have predominantly Black, Latinx, and Indigenous populations who are socially vulnerable due to poverty and a lack of access to medical care, transportation and food. These communities are often defined by years of discriminatory redlining and systemic racism in industrial development," the complaint says. "CEQ's 2020 Rule will allow federal agencies to discount or disregard cumulative impacts to these communities, and will make it more difficult for the people who live, work, worship, recreate and attend school there to have their voices heard."

The latest complaint comes after a coalition of 20 environmental groups filed suit over the rule July 29 in the U.S. District Court for the Northern District of California in *Alaska Community Action on Toxics, et al. v. CEQ, et al.*, and a different coalition of 17 groups filed its challenge, *Wild Virginia, et al. v. CEQ*, in U.S. District Court for the Western District of Virginia.

"NEPA gives us all a voice. Given the crises our nation is facing, we cannot ignore the risk of more pollution, nor the voices of communities of color," says Sharon Buccino of the Natural Resources Defense Council in a statement on the new challenge. Michele Roberts of the Environmental Justice Health Alliance adds that the new rule "will most directly impact low-income communities . . . who have long faced disproportionate levels of pollution due to industrial facilities in or near their neighborhoods."

The rule is an “assault on democracy” that “undermines our ability to fight egregious projects and gives industry free rein to put pipelines through our backyards or incinerators near our schools,” Roberts continues.  
The complaint says the rule “seeks to revise a statute that Congress has been unwilling to repeal and rewrite, and that it was proposed right after Trump called NEPA a “job-kill[er]” that needs to be “slash[ed].”  
The groups ask the court to find the rule to be arbitrary and capricious in violation of the Administrative Procedure Act, that it exceeds CEQ’s statutory authority and that it was unlawfully promulgated, and to vacate it.  
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**From:** Saale, Melissa <[Saale.Melissa@epa.gov](mailto:Saale.Melissa@epa.gov)>  
**Sent:** Tuesday, August 4, 2020 4:01 PM  
**To:** Denawa, Mai <[Denawa.Mai@epa.gov](mailto:Denawa.Mai@epa.gov)>; Minter, Douglas <[Minter.Douglas@epa.gov](mailto:Minter.Douglas@epa.gov)>; Robinson, Valois <[Robinson.Valois@epa.gov](mailto:Robinson.Valois@epa.gov)>; Strobel, Philip <[Strobel.Philip@epa.gov](mailto:Strobel.Philip@epa.gov)>; McCoy, Melissa <[mccoy.melissa@epa.gov](mailto:mccoy.melissa@epa.gov)>; Perkins, Erin <[Perkins.Erin@epa.gov](mailto:Perkins.Erin@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Chin, Lucita <[Chin.Lucita@epa.gov](mailto:Chin.Lucita@epa.gov)>; Farris, Laura <[Farris.Laura@epa.gov](mailto:Farris.Laura@epa.gov)>  
**Subject:** Follow-Up on Yesterday's GHG/ NEPA Meeting for Dewey Burdock

Hello All-

Thank you all for meeting yesterday to discuss GHG reporting requirements and updates to NEPA. Below are my answers to the questions raised during our meeting. Please let me know if you have any additional questions.

**Ex. 5 AC/AWP/DP**

# Ex. 5 AC/AWP/DP

Please let me know if you have any additional questions,  
Melissa

Melissa Saale  
Underground Injection Control Intern  
[saale.melissa@epa.gov](mailto:saale.melissa@epa.gov)